APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,418	03/27/2006	Takeshi Iwatsu	286664US6PCT	2799

22859   7590   03/30/2011
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EXAMINER
TRUONG, DENNIS

ART UNIT	PAPER NUMBER
2169	

NOTIFICATION DATE	DELIVERY MODE
03/30/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/573,418	IWATSU ET AL.
	Examiner	Art Unit	
	DENNIS TRUONG	2169	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>15 March 2011</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: ___ . (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

     <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Tony Mahmoudi/
Supervisory Patent Examiner, Art Unit 2169

/Dennis Truong/
Examiner, Art Unit 2169

U.S. Patent and Trademark Office

PTOL-303 (Rev. 08-06)   **Advisory Action Before the Filing of an Appeal Brief**   Part of Paper No. 20110324

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant argues that the combination of Craig, Vange, Tso, and O'Rouke fails to disclose or suggest "a controller configured to register..., in response to...identification information, ...content data in an uncompressed format upon a reception of said content data in a compress format", " the identification information identifying a vendor". Examiner would like to point out that the recited limitation "vendor" has been broadly defined by both the specification and claims. To one of ordinary skill in the art at the time of the invention, it would be have been reasonable to interpret a "vendor" as the company or group that created the particular content data type/format. However during an interview conducted 3/10/2011 the Applicant provided a different interpretation where the recited limitation "vendor" is interpreted to be related to the origin at which the content is requested from. Examiner suggests that further definition to the limitation "vendor" is necessary to provided to clear scope of the invention. However in light of applicant's arguments, Examiner respectfully submits that in paragraph [0072] Vange discloses "Reformatting may also be appropriate when the response includes a graphic format that cannot be interpreted by the client 205 or may not be appropriate to forward to client 205 due to constrained bandwidth. In such a case, a bitmap file might be converted to a JPEG or GIF file. It is contemplated that reformatting will take place at a wide variety of manners and granularity ranging from reformatting of contained links to substantially reformatting an entire document by changing sizes and layout so that it performs its desired function when presented to a requesting client 205. Component 406 is optionally used to implement data decompression where appropriate, decryption, and handle caching when the returning data is of a cacheable type". By disclosing reformatting, decompression and caching based on a particular file Vange teaches the argued limitation based on the first interpretation of a "vendor". Further more in view of the second interpretation of a "vendor" at the bottom of paragraph [0075] Vange disclosed "back-end 203 can compress graphics and front-end can apply a corresponding decompression so that client 205 receives the data in substantially the same form as provided by server 210-212", which teaches compressed data being received and the decompression is based on corresponding compression from the backend which is the vendor there for also teaches, "in response to...identification information, ...content data in an uncompressed format upon a reception of said content data in a compress format", " the identification information identifying a vendor" as claimed.

On page 6, Applicant provides an argument related to incorporating Tso in rejecting claim 14 and 19, Applicant states that "none of the applied reference discloses or suggest setting web pages from a particular vendor with a high removal factor". Examiner respectfully submits that Tso describes a set top box that consist of a cache which caches content and removes content when the cache is full based on a removal factor (see. Flow chart 4a-b, 5a-b). In col. 6-col. 7 describes how the removal factor is calculated. Figure 7a-7e shows examples of inputs that can be used to calculate the removal factor, and Fig. 8 shows that any number of inputs can be used to generate the removal factor "arithmetic function generator 472 generates an output based on one or more inputs (F(input1, input2, . . . , input n))", this allows the system to be very dynamic and customizable allowing the system indicate which items it should keep and which items to remove base an any combination of inputs shown above. Therefore with in the scope of the invention described by Tso it would be reasonable to interpret that a particular vendor can be removed by only using the website associated with the vendor as input in calculating a removal factor, or a particular file type be removed also by using one file type input when calculating the removal factor, this assures that the particular vendor or file type has a high removal factor and is removed.